

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALISHA WALKER,

Plaintiff,

v.

Case No. 09-11854
Hon. Lawrence P. Zatkoff

CITY OF DETROIT and
VICTOR HICKS,

Defendants.

ORDER TO REMAND IN PART

Plaintiff filed her complaint in the Wayne County Circuit Court. Defendant City of Detroit timely removed the action to this Court on May 14, 2009, based on federal-question jurisdiction under 28 U.S.C. § 1331. Plaintiff's complaint contains the following four counts:

- | | |
|-----------|--|
| Count I | Gross Negligence; Intentional, Willful, and Wanton Misconduct |
| Count II | Excessive Force—42 U.S.C. § 1983 |
| Count III | Assault and Battery |
| Count IV | Deprivation of Civil Rights (Defendant City of Detroit)—42 U.S.C. § 1983 |

The Court has subject-matter jurisdiction over Counts II and IV because they arise under federal law. 28 U.S.C. § 1331. Counts I and III, however, are based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See id.*;

see also Padilla v. City of Saginaw, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claims (Counts I and III) are hereby REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiff's federal claims (Counts II and IV).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: June 8, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 8, 2009.

S/Marie E. Verlinde

Case Manager

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